

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

KEITH HUGHES, and COLBY DIGILIO,

Defendants.

4:20CR3083

ORDER

Defendant Diglio has moved for a 45-day continuance of the pretrial motion deadline, (Filing No. 37), because Defendant needs to consider and decide whether to enter a guilty plea before deciding whether to file pretrial motions. This case is over a year old. Diglio has filed 13 motions to continue, the last 10 of which state he is negotiating the terms of a plea agreement. While the motion to continue is unopposed, the court finds that only a 14-day continuance is justified. Accordingly,

IT IS ORDERED:

- 1) Defendant Giglio's motion to continue, (Filing No. 37), is granted in part.
- 2) Pretrial motions and briefs shall be filed on or before October 29, 2021.
- 3) As to both defendants, trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 29, 2021, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) No further continuances of the trial and pretrial motion deadline will be granted.

- 5) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendants in a speedy trial, and as to both defendants, the additional time arising as a result of the granting of the motion, the time between today's date and October 29, 2021 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 15th day of October, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge